

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 3/11/2024

GARY KEMP,

Petitioner,

20-CV-09121 (RA)(SN)

-against-

ORDER

JOSEPH NOETH,

Respondent.

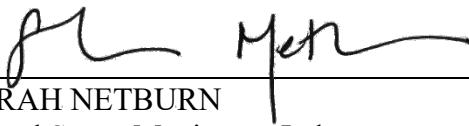
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SARAH NETBURN, United States Magistrate Judge:

Petitioner mailed the Court a C.P.L. § 440.10 vacatur motion dated February 27, 2024.

This type of motion should be filed in State Court. It is unclear what Petitioner intended by filing the motion in Federal Court, and whether Petitioner also filed it in State Court. By March 18, 2024, Respondent shall file a letter indicating whether the motion was filed in State Court. If it has not been filed in State Court, Petitioner is directed to do so. If Petitioner has filed the motion in State Court, he should inform the Court whether he intends this filing to supplement his petition. Petitioner is advised that the motion cannot replace his petition for writ of habeas corpus.

SO ORDERED.



SARAH NETBURN
United States Magistrate Judge

DATED: March 11, 2024
New York, New York